

DATE: November 22, 2010

TO: RMC Governing Board

FROM: Belinda V. Faustinos, Executive Officer

SUBJECT: Item X: Executive Officer's Report- Legislation and Initiatives

For full text and history of bills and initiatives, please visit these web sites:

Federal Bills	http://thomas.loc.gov/
State Bills	http://www.leginfo.ca.gov/
Initiative Measures	http://www.caag.state.ca.us/initiatives/activeindex.htm

Current as of October 21, 2010.

Federal Bills

H.R.3534 Title: Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act of 2009 **Sponsor:** [Rep Rahall, Nick J., II](#) [WV-3] (Introduced 9/8/2009) The U.S. House of Representatives passed legislation on July 31, 2010, aimed at holding oil companies more responsible for spills and reducing the future risk of catastrophes like the BP oil spill. At the same time, the CLEAR Act calls for more polluter dollars to be invested into the **Land and Water Conservation Fund (LWCF)**, which has been used to conserve land and protect parks in approximately 99 percent of America's counties. Provisions in the CLEAR Act call for reform of oil and gas drilling, the first of many steps to ensure that a disaster like the BP oil spill does not happen again. The Bill also amends the Land and Water Conservation Fund Act to: (1) extend the Land and Water Conservation Fund through FY2040; (2) make \$900 million available from the Fund each fiscal year without further appropriation; and (3) revise requirements for allocation of funds for federal purposes and financial assistance to states. The bill contains important oversight and safety improvements requiring oil companies to put the best available technology to use. These new measures will help protect our sensitive marine ecosystems from the risks of offshore drilling. **Related Bills:** [H.RES.1574](#) **Latest Major Action:** 8/4/2010 Read the second time. Placed on Senate Legislative Calendar under General Orders Calendar No. 510.

S. 3663- Sen. Harry Reid (R-Nev) Clean Energy Jobs and Oil Company Accountability Act of 2010- Introduced July 29, 2010. Big Oil Bailout Prevention Unlimited Liability Act of 2010 - Amends the Oil Pollution Act of 1990 to: (1) remove limits on liability for offshore facilities; and (2) authorize the Coast Guard, in the case of a spill of national significance, to obtain advances from the Oil Spill Liability Trust Fund. Among several other amendments and directives, this bill includes the **Land and Water Conservation Authorization and Funding Act of 2010** - Amends the Land and Water Conservation Fund Act of 1965 to authorize funding through FY2021 and subsequent fiscal years. **Latest Major Action:** The Senate failed to act on legislation to provide full funding for the Land and Water Conservation Fund (LWCF), deferring the legislation until a lame-duck session scheduled to begin November 15, 2010.

Analysis: The LWCF guarantee is alive in two places. First, the Senate could still move S 3663. Second, the House July 30 approved a more comprehensive energy bill (HR

3534) that would guarantee money for LWCF for the next 30 years. If the Senate approves any kind of energy bill, at some point this fall a House-Senate conference committee could patch together a final bill with LWCF money.

The House and Senate LWCF provisions are quite different. The House would simply guarantee \$900 million per year for 30 years. The Senate would begin with full funding and then change the guarantee in out-years.

State Legislation*

The following is a list of bills relevant to the RMC that were signed into law on Sept. 30, 2010 by the Governor.

Land & Wildlife Protection

AB 2554- Brownley: Los Angeles County Flood Control District: fees and charges

This bill would authorize the district to impose a fee or charge in the unincorporated areas of the county, in compliance with Article XIII D of the California Constitution, to pay the costs and expenses of the district, and to carry out the objects or purposes of the act. The bill would require that any fees imposed be levied and collected together with taxes for county purposes, and the revenues paid into the county treasury to the credit of the district. The act authorizes the board of the district, subject to certain limitations, to do all acts or things necessary or useful for the promotion of the work or the control of the flood and storm waters of the district, to conserve those waters for beneficial and useful purposes, and to protect from damage from storm or flood waters, the harbors, waterways, public highways, and property of the district. One limitation upon the authority of the board of the district is that it is not authorized to raise money for the district by any method or system other than by issuing bonds, or the levying of a tax upon the assessed value of all the real property of the district, except from the sale and lease of its property. This bill would instead provide that the board of the district is not authorized to raise money for the district by any method or system other than by issuing bonds, the levying of a tax, or the imposition of a fee or charge in compliance with Article XIII D of the California Constitution.

Last Historic Action: 9/30/2010 Chaptered by Secretary of State - Chapter 602 Statutes of 2010.

Water Issues

AB 1834/ SB 918- Solorio/Pavley (Coauthor: Huffman) **Rainwater Capture Act of 2010.** Allows a landowner to install a rainwater recapture system to irrigate landscaping or recharge groundwater. Specifically, bill establishes the Rainwater Capture Act of 2010 recognizing rainwater flowing off of buildings, parking lots, roads and other impervious surfaces has increased, thereby reducing the water allowed to infiltrate into groundwater aquifers and increasing the water and pollution flowing to the ocean. Recognizes properly captured and managed rainwater could contribute significantly to local water supplies and meet water conservation goals, including recharging groundwater or replacing potable water used for landscaping irrigation.

The bill directs the State Department of Public Health to develop criteria for safely using recycled water to supplement groundwater basins and reservoirs. The legislation offers a unique solution to California's water crisis, enabling millions of acre-feet of reusable water to be cost-effectively recycled every year, rather than simply discharged to the

ocean. Existing law also requires the state to achieve a 20% reduction in per capita water use by 2020.

Last Historic Action: Signed by the Governor on September 30, 2010. Chaptered by Secretary of State. Chapter 700, Statutes of 2010.

Climate Change

AJR 26- Chesbro: Climate Change Adaptation Resolution

Requests the U.S. Congress to establish a comprehensive framework for adapting our wildlife, habitats, coasts, watersheds, rivers, and other natural resources and ecosystems to the impacts of climate change. **Last Historic Action:** 8/30/2010 Chaptered by Secretary of State- Res. Chapter 114, Statutes of 2010.